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[MAY 19 1997]

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May 19, 1997

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Re: WT Docket No. 96-18
PP Docket No. 93-253

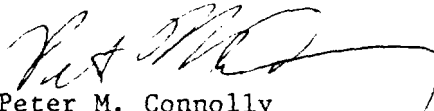
93-253

Dear Mr. Caton:

Herewith transmitted, on behalf of American Paging, Inc. are an original and four copies of its Reply Comments in the above-referenced proceeding.

In the event there are any questions concerning this matter, please communicate with the undersigned.

Very truly yours,


Peter M. Connolly

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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In the Matter of)
)
Revision of Part 22 and Part 90) WT Docket No. 96-18
of the Commission's Rules to Facilitate)
Future Development of Paging Systems)
)
Implementation of Section 309(j)) PP Docket No. 93-253
of the Communications Act --)
Competitive Bidding)

To: THE COMMISSION

REPLY COMMENTS OF
AMERICAN PAGING, INC.

American Paging, Inc., on behalf of itself and subsidiaries (collectively "API"), by its attorneys, hereby responds to the Comments of AirTouch Paging ("AirTouch") and of paging Network, Inc. ("Pagenet"), both dated May 9, 1997, with respect to Petitions for Reconsideration in the above-captioned proceeding.

We support the co-channel protection rights of incumbents under Section 22.503(i) of the Commission's rules and additional flexibility under Section 22.537 of the Commission's rules to permit incumbents to modify and maintain existing paging systems.

1. The Commission Should Retain the Co-Channel Protection Rights to be Afforded to Incumbent Non-Geographic Licensees.

The arguments of AirTouch for diminished interference¹ protection rights for incumbents (AirTouch Comments, pp. 19-20) repeat in abbreviated form the positions of various petitioners which we opposed in our May 9 Comments (pp. 2-4). These arguments should be rejected for

¹ Notice, para. 22.

the reasons presented in our Comments and in consideration of the additional matters presented here.

AirTouch was well aware that Commission adoption of full co-channel protection rights for incumbents was not “inadvertent.” AirTouch stated in its Comments filed March 18, 1996 (pp. 7-8) in this proceeding:

“The Commission proposes that under any geographic licensing scheme adopted in this proceeding, incumbent systems will be entitled to continue operating under existing authorizations with full protection from interference. ² AirTouch strongly concurs with the Commission that this proposal serves the public interest.” (Emphasis added.)

As stated above, AirTouch “strongly” supported adoption of the Commission’s full co-channel protection proposals. AirTouch’s current claims that adoption of Section 22.503(i) was “unjustified” is a change of position which seems more than a little cynical, particularly considering that it has now been awarded geographic licenses for four nationwide channels. Its related claims that adoption of full co-channel protection rights in the same order which granted its nationwide authorizations, is somehow an unconstitutional “taking” are unjustified and without substance.

2. The Commission Should Adopt Flexible Rules for Modification and Maintenance of Systems for Incumbent Non-Geographic Licensees.

Pagenet (Comments, p. 11) opposes “alternative formulas and ‘real world’ engineering

² The AirTouch Comments cite ¶ 22 of the Commission’s Notice of Proposed Rulemaking which states in pertinent part:

“In those instances where an incumbent does not obtain a geographic license, however, we believe it is essential that the incumbent’s rights to operate under its existing licenses not be diminished.”

with respect to fill-in transmitters. This position should be rejected.

API,³ AirTouch,⁴ Arch,⁵ Pronet,⁶ and Metrocall⁷ have presented extensive support for adoption of modified formulas to give incumbent licensees flexibility to add or to modify fill-in transmitters. The Commission has ample support to adopt such modified formulas.

* * *

The Commission should protect the interests of incumbent non-geographic licensees to preserve continuity of public service, to recognize the commitments of these licensees to their subscribers and to preserve realistic opportunities for a diversity of robust competitive paging service offerings.

Respectfully submitted,

AMERICAN PAGING, INC.

By George Y. Wheeler By PC
George Y. Wheeler

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May 19, 1997

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- ³ API Comments, p. 5.
 - ⁴ AirTouch Comments, p. 17.
 - ⁵ Arch Comments, pp. 1-3.
 - ⁶ Pronet Comments, pp. 10-12.
 - ⁷ Metrocall Comments, pp. 12-13.

CERTIFICATE OF SERVICE

I, Judy Cooper, a legal secretary in the law firm of Koteen & Naftalin, hereby certify

that on the 19th day of May, 1997, copies of the foregoing "Reply Comments" were deposited in the U.S. mail addressed to the following:

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